

REMARKS

Summary Of Office Action

Claims 1-96 were pending in this application.

The Examiner objected to claims 11-13, 22-29, 43-45, 53-60, 74-76, and 85-92 for being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 1, 2, 4, 6-14, 17, 18, 34, 35, 37, 39-45, 48, 49, 65-67, 69-77, 80, and 81 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of U.S. Patent No. 6,736,817 (hereinafter "the '817 patent").

Claims 1, 4, 8, 10, 22-34, 37, 40, 42, 53-65, 67, 71, 73, and 85-96 were also rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 2, and 5-17 of U.S. Patent No. 6,283,967 (hereinafter "the '967 patent").

The Examiner rejected claims 1-5, 20, 21, 34-38, 51, 65-68, 83, and 84 under 35 U.S.C. § 103(a) as being obvious from Korotko et al. U.S. Patent No. 5,312,405 (hereinafter "Korotko"). Dependent claims 6-10, 14-19, 39-42, 46-50, 69-73, and 77-82 were rejected under 35 U.S.C. § 103(a) as being obvious from Korotko in view of Davis U.S. Patent No. 5,611,800 (hereinafter "Davis"). And dependent claims 30-33, 61-64, and 93-96 were rejected under 35 U.S.C. § 103(a) as being obvious from Korotko in view of Davis and further in view of Cotrel U.S. Patent No. 5,487,742 (hereinafter "Cotrel").

Claims 7 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention.

And lastly, claims 6 and 7 were objected to for minor informalities.

Summary Of Applicants' Reply

Applicants appreciate the indication that claims 11-13, 22-29, 43-45, 53-60, 74-76, and 85-92 contain allowable subject matter.

Claims 6 and 7 have been amended to correct the minor informalities (i.e., “flat surface” was changed to --flat top surface-- and “arcuate portion” was changed to --arcuate section--).

Applicants submit herewith a Terminal Disclaimer Under 37 C.F.R. § 1.321(b,c).

Independent claims 1, 34, and 65 have been amended to delete a limitation the Examiner said would have been obvious to a person having ordinary skill in the art.

Independent claim 1 has also been amended to include the limitations of dependent claim 11, which has been accordingly canceled. Dependent claim 6 has been amended to include the limitation deleted from claim 1, and dependent claim 22 has been amended to be in independent form.

Independent claim 34 has also been amended to include the limitations of dependent claim 43, which has been accordingly canceled. Dependent claim 39 has been amended to include the limitation deleted from claim 34, and dependent claim 53 has been amended to be in independent form.

Independent claim 65 has also been amended to include the limitations of dependent claim 74, which has been accordingly canceled. Dependent claim 69 has been amended to include the limitation deleted from claim 65, and dependent claim 85 has been amended to be in independent form.

No new matter has been added.

Reconsideration of this application in view of the amendments and following remarks is respectfully requested.

The Obviousness-Type Double Patenting Rejections

Claims 1, 2, 4, 6-14, 17, 18, 34, 35, 37, 39-45, 48, 49, 65-67, 69-77, 80, and 81 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of the '817 patent.

Claims 1, 4, 8, 10, 22-34, 37, 40, 42, 53-65, 67, 71, 73, and 85-96 were also rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 2, and 5-17 of the '967 patent.

These rejections are respectfully traversed.

Applicants submit herewith a Terminal Disclaimer Under 37 C.F.R. § 1.321(b,c) disclaiming the terminal portion of any patent to issue on this application beyond the earliest expiration of the full statutory term of the '817 patent and the '967 patent and requiring common ownership of all such patents.

Accordingly, applicants respectfully request that the rejections of claims 1, 2, 4, 6-14, 17, 18, 22-35, 37, 39-45, 48, 49, 53-67, 69-77, 80, 81, and 85-96 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

Rejections Of Claims Under 35 U.S.C. § 103(a)

Independent claims 1, 34, and 65 and dependent claims 2-5, 20, 21, 35-38, 51, 66-68, 83, and 84 were rejected under 35 U.S.C. § 103(a) as being obvious from Korotko, dependent claims 6-10, 14-19, 39-42, 46-50, 69-73, and 77-82 were rejected under 35 U.S.C. § 103(a) as being obvious from Korotko in view of Davis, and dependent claims 30-33, 61-64, and 93-96 were rejected under 35 U.S.C. § 103(a) as being obvious from Korotko in view of Davis and further in view of Cotrel.

These rejections are respectfully traversed.

Independent claim 1 has been amended to include the limitations of dependent claim 11, which the Examiner indicated contains allowable subject matter.

Independent claim 34 has been amended to include the limitations of dependent claim 43, which the Examiner indicated contains allowable subject matter.

And independent claim 65 has been amended to include the limitations of dependent claim 74, which the Examiner indicated contains allowable subject matter.

Independent claims 1, 34, and 65 should therefore now be allowable.

For at least these reasons, dependent claims 2-10, 14-21, 30-33, 35-42, 46-52, 61-64, 66-73, 77-84, and 93-96, which depend directly or indirectly from one of independent

claims 1, 34, and 65 should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicants respectfully request that the rejections of claims 1-10, 14-21, 30-42, 46-52, 61-73, 77-84, and 93-96 under 35 U.S.C. §103(a) be withdrawn.

Objections To Claims 11-13, 22-29, 43-45, 53-60, 74-76, and 85-92

Dependent claims 11-13, 22-29, 43-45, 53-60, 74-76, and 85-92 were objected to for being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These objections are respectfully traversed.

The limitations of dependent claim 11 have been added to independent claim 1. Claim 11 has been accordingly canceled, and dependent claim 12 has been amended to depend from claim 1 instead of claim 11.

Dependent claim 22 has been rewritten in independent form.

The limitations of dependent claim 43 have been added to independent claim 34. Claim 43 has been accordingly canceled, and dependent claim 44 has been amended to depend from claim 34 instead of claim 43.

Dependent claim 53 has been rewritten in independent form.

The limitations of dependent claim 74 have been added to independent claim 65. Claim 74 has been accordingly canceled, and dependent claims 75 and 76 has been amended to depend from claim 65 instead of claim 74.

Dependent claim 85 has been rewritten in independent form.

In view of the amendments to independent claims 1, 34, and 65, dependent claims 12, 13, 44, 45, 75, and 76, which depend directly or indirectly from one of claims 1, 34, and 65, should now be allowable.

Similarly, in view of the amendments to claims 22, 53, and 85, those claims, and dependent claims 23-29, 54-60, and 86-92, which depend directly or indirectly from one of claims 22, 53, and 8, should now be allowable.

Accordingly, applicants respectfully request that the objections to claims 12, 13, 22-29, 44, 45, 53-60, 75, 76, and 85-92 be withdrawn.

Rejections Of Claims 7 and 9 Under 35 U.S.C. § 112

The Examiner rejected claims 7 and 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. In particular, the Examiner said the limitations “side edges” in claims 7 and 9 and “the juncture” in claim 7 have insufficient antecedent basis.

These rejections are respectfully traversed.

Claim 7 first introduces “side edges” as follows: “the projection further includes side edges.” Accordingly, applicants believe “side edges” do not require antecedent basis.

Claim 9 recites “the side edges” and depends from claim 8, which depends from claim 7. Therefore, applicants believe “the side edges” has sufficient antecedent basis.

Claim 7 has been amended to recite that the side edges are “at respective junctures of the flat top surface and the arcuate section.”

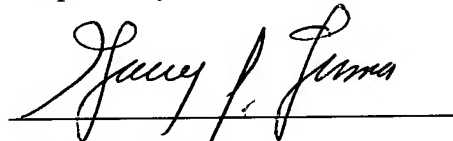
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Accordingly, applicants respectfully request that the rejections of claims 7 and 9 under 35 U.S.C. §112, second paragraph, be withdrawn.

Conclusion

The foregoing demonstrates that claims 1-10, 12-42, 44-73, and 75-96 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Garry J. Tuma", is written over a horizontal line.

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